

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.19591 of 2020

N.Govindan

...Petitioner

Vs

The Tahsildar,
Taluk Office,
Pennagaram Taluk,
Dharmapuri District

...Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari mandamus, calling for the records of the respondent pertaining to his proceedings in O.Mu.3068/2019/A3 dated 30.10.2019 and quash the same and consequently direct the respondent herein to forthwith issue the legal heirship certificate of deceased M.N.Marappan by considering the application of the petitioner and his brother Rathinam as the Class II legal heirs of M.N.Marappan.

For petitioner ... Mr.G.Arulmurugan
For respondent ... Mr.V.Shanmugasundar
Spl.Govt.Pleader

ORDER

This writ petition has been filed challenging the order dated 30.10.2019 passed by the respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for his brother M.N.Marappan, who died on 17.03.2016 on the ground that the petitioner is not a direct legal heir.

2. It is the case of the petitioner that his brother M.N.Marappan and his wife died on 17.03.2016 and his son Rajkumar also died on 24.10.2017. According to the petitioner, by total non-application of mind, the respondent has rejected the petitioner's application seeking for issuance of legal heirship certificate for his deceased brother, M.N.Marappan on the ground that the petitioner is not the direct legal heir. In such circumstances, this Writ Petition has been filed.

3. Heard Mr.N.Govindan, learned counsel for the

petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing on behalf of the respondent.

4. It is now settled law as laid down by various decisions of this Court that the respondent is having the power to issue the legal heirship certificate to Class-II legal heirs also, after due verification. However, under the impugned order, arbitrarily and by total application of mind, the respondent has rejected the petitioner's application seeking for issuance of legal heirship certificate for his deceased brother M.N.Marappan, who died on 17.03.2016 on the ground that the petitioner is not a direct legal heir.

5. In view of the settled position of law, the impugned order dated 30.10.2019 has to be necessarily quashed and the matter remanded back to the respondent for fresh consideration in accordance with law.

6. In the result, the impugned order dated 30.10.2019 is hereby quashed and the matter is remanded back to the respondent for fresh consideration in respect of the application submitted by the petitioner seeking for issuance of legal heirship certificate for his deceased brother M.N.Marappan, who died on 17.03.2016 and the respondent shall pass final orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner and other necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

srn

To

The Tahsildar,
Taluk Office,
Pennagaram Taluk,
Dharmपुरी Distrit.

+1 cc to M/s.G.Arul Murugan, Advocate Sr.No. 2380

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CA(CO)

RMP(18/02/2021)

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